

THURSDAY
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HOUSTON CHRONICLE
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CITY & STATE

COMING FRIDAY

- Starting this month, Houstonians to pay more for the water they use
- A renovated runway offers possible noise relief

GULF COAST | STATE | HEALTH & MEDICINE | EDITORIALS | DEATHS | WEATHER | LOTTO

Lack of interpreter helps immigrant secure new trial

■ Court rules defendant's rights were violated

By ERIC HANSON
HOUSTON CHRONICLE

An appeals court has ordered a new trial for a Mexican immigrant, saying his Sixth Amendment right to confront witnesses was violated because there was no interpreter at his trial for sexual assault in Brazoria County.

Jose Medrano Garcia's conviction was reversed in March by the Court of Criminal Appeals in Austin, which ordered the 14th Court of Appeals to determine if the lack of an interpreter harmed Garcia's chance for a fair trial.

The Houston-based 14th Court of Appeals considered the matter and issued an opinion Tuesday signed by Chief Justice Adele Hedges.

In the opinion, Hedges wrote that Garcia, 37, who received an eight-year prison sentence, was able to understand only one witness who testified in Spanish. All others spoke English.

"Because appellant could not understand the testimony of the complaining witnesses against him, it is inevitable that this incapacity hampered his attorney's ability to effectively cross-examine the state's witnesses and, consequently, appellant's ability to participate in his own defense," the ruling states.

Justices Kem Thompson Frost and Eva Guzman joined Hedges in the ruling. There was no dissenting opinion.

Angleton attorney John J. Davis, who handled the appeal, said he was pleased, but not surprised, by the ruling.

"I think the law is pretty clear," he said Wednesday.

Davis said the case now rests with Brazoria County District Attorney Jeri Yenne.

Prosecutors can appeal the ruling or move forward with a new trial.

Yenne said the state will probably opt for a new trial.

"We want to make sure that justice is done for all parties," she said Wednesday.

Yenne described the lack of interpreter at Garcia's trial as an aberration, saying interpreters are on hand for all tri-

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Judge disbands court of inquiry

■ Rules legal time frame has expired in ex-DNA lab chief's alleged perjury

By STEVE McVICKER
HOUSTON CHRONICLE

A court of inquiry that was to investigate problems related to the discredited Houston police DNA laboratory came to an abrupt end Wednesday with the release of a judge's ruling that the legal time frame had passed.

In an order dated Monday, state District Judge Dean Rucker ruled that the statute of limitations has expired regarding an allegation that former Houston Police Department DNA lab chief James Bolding committed aggravated perjury during a June 2002 sexual assault trial.

Transcripts from the trial of

Keith Grimes indicate Bolding testified that he had a doctorate in biochemistry, which he does not.

Defense attorney Butch Bradt, one of the lawyers who requested the rare court of inquiry, has maintained that Bolding exaggerated his qualifications to give his testimony more weight with the jury.

Bolding has insisted that he never made the statement, blaming the confusion on a court reporter's mistake. He de-

clined to comment Wednesday on Rucker's ruling.

The determining factor for Rucker was the two-year statute of limitations, which expired last month.

"Even if this Court found probable cause that James Bolding committed the offense of perjury or aggravated perjury on June 14, 2002, and issued a warrant for his arrest, charges would be subject to dismissal because the statute of limita-

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UNDEFEATED IN LIFE

A scholar and a sportsman



CURIOS MIND: In addition to boxing and pre-law studies, Juan Diaz is taking a carpentry class at Houston Community College. He plans to someday build his own house. Diaz is competing Saturday for the World Boxing Association's lightweight championship.

MELISSA PHILLIP: CHRONICLE

Coastal water pollution targeted with new facility

The Freeport shrimp docks have a new weapon to help fight the practice of dumping bilge water and used oil. The facility is the latest in a group of state-built bilge water reclamation facilities.

STORY ON PAGE B5

MADD says Texas road toll too high

■ Deaths continue two decades after age raised by law

By RHEA DAVIS
HOUSTON CHRONICLE

Saturday marks the 20-year anniversary of the law that raised the national drinking age to 21, but local advocates and officials say too many Texans are still dying in alcohol-related accidents.

The national chapter of Mothers Against Drunk Driving hailed the law Wednesday as the most effective anti-drunken driving legislation ever passed. It says 20,000 young lives have been saved since it was enacted on July 17,

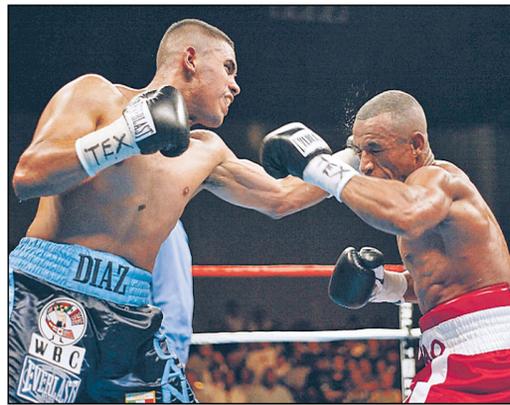
1984. "Unknowingly so many young people have been given a second chance to live long, productive lives," said Wendy Hamilton, MADD national president in a statement released Wednesday.

Yet statistics show that the state of Texas has the highest number of alcohol-related driving fatalities in the nation.

In Texas, 1,745 people were killed in drunken-driving accidents in 2002 compared with 1,612 killed in California, a state with nearly 10 million more people, according to the National Highway Traffic Safety Administration.

"I believe the law has helped, but we still have a big problem with drinking and

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JAMES NIELSEN: CHRONICLE FILE

RINGMASTER: Juan Diaz, left, defeated Francisco Lorenzo last July at Reliant Center. Diaz passed up \$18,000 in scholarships to keep boxing.

■ Houston man excels at 2 loves: boxing, learning

By NANCY MARTINEZ
HOUSTON CHRONICLE

When Juan Diaz steps into the ring to fight for the World Boxing Association's lightweight title at Reliant Arena on Saturday, the audience will undoubtedly see why he's known as "Baby Bull."

But the 20-year-old Houston boxer's 24-0 record and quest to become world champion is only part of his story.

The University of Houston third-year pre-law student graduated high school in 2½ years with a grade point average

of 3.8. The son of immigrants from Guerrero, Mexico, Diaz has Mexican and American citizenship. Too young at 16 to be on the U.S. Olympic team, he fought for Mexico's team.

Diaz, who wears both the U.S. and Mexican flags on his boxing trunks, was the 2000 Mexican National Tournament Lightweight Champion. He says he's proud of his roots.

"I never want to forget my heritage," Diaz said. "Mexico gave me my parents. America gave me opportunities to do what I'm doing."

As a child, Diaz learned Spanish first. But he didn't let a language barrier stop him. His favorite subject is now English.

He's devoted to his education, but in love with boxing. He

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Proposed health texts criticized

■ Opponents say omitted facts put students at risk

By JANET ELLIOTT
AUSTIN BUREAU

AUSTIN — High school students may be at greater risk of pregnancy and sexually transmitted disease if the state adopts textbooks that teach abstinence exclusively, dozens of speakers told the State Board of

Education on Wednesday.

Opponents of the proposed textbooks far outnumbered supporters. Critics included health professionals, religious leaders, parents and students.

Melanie Cox, a Dripping Springs nurse and mother, said her eyes were opened to the realities of teenage sex when she worked at Covenant House in Houston, which serves homeless youths.

"Very few of these teenagers had knowledge of how to prevent pregnancy or sexually

transmitted diseases even though they had lived on the streets, sometimes prostituting themselves in order to survive," Cox said.

Cox said that one in five adolescents and adults have a sexually transmitted disease.

"It is our moral obligation to save lives by using textbooks that do not assume teenagers will not make life-altering mistakes," Cox said.

Supporters of the books praised their strong abstinence

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BOOKS DEBATED

The State Board of Education, in the first of two hearings, is considering public opinion on high school health books that teach abstinence and omit information about contraception.

■ **Now:** Most of 100 speakers opposed the texts during a hearing Wednesday.

■ **Next:** A second public hearing is set for September.

■ **Later:** The board votes on textbooks in November.



ANDREW INNERARITY: CHRONICLE

Star visits death row

ACTRESS Susan Sarandon leaves the Texas State Penitentiary on Wednesday after visiting death row inmate James Allridge III. **Story on B3**

HEALTH & MEDICINE

Pretend patients

Medical students conduct examinations on actors pretending to suffer from headaches, backaches, stomachaches. **PAGE B2**

WEATHER

Highs and lows

Complete coverage, including a regional map. **PAGE B12**

ALL-STAR GAME

Cleanup begins

City officials assess impact of big event. **PAGE B4**

SCHOOL FINANCE

Senator offers plan

August would be last realistic chance to address funding and property tax reduction in a special legislative session. **PAGE B3**

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